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APPLICATION NO.	FILING DAT	FIRST NAMED INVENTO	OR ATTORNEY DOCKET NO	. CONFIRMATION NO	
10/028,264	12/28/2001	Kimitaka Murashita	826.1779	2737	
21171	7590 07/06/2006		EX	EXAMINER	
	HALSEY LLP	ROGER	ROGERS, SCOTT A		
JIM LIVING SUITE 700	STON	ART UNIT	PAPER NUMBER		
	ORK AVENUE,	2625			
WASHINGT	ON, DC 20005		DATE MAILED: 07/06/2	DATE MAILED: 07/06/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/028,264	MURÁSHITA, KIMITAI	MURÁSHITA, KIMITAKA		
		Examiner	Art Unit			
		Scott A. Rogers	2625			
Period f	The MAILING DATE of this communication or Reply	n appears on the cover sheet w	ith the correspondence addres	;s		
WHI - Exte afte - If N - Fail Any	HORTENED STATUTORY PERIOD FOR RICHEVER IS LONGER, FROM THE MAILIN ensions of time may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication of period for reply is specified above, the maximum statutory provided period for reply within the set or extended period for reply will, by some property received by the Office later than three months after the model patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUNION FR 1.136(a). In no event, however, may a in. eriod will apply and will expire SIX (6) MON statute. cause the application to become AF	CATION. reply be timely filed ITHS from the mailing date of this commu			
Status						
1)⊠	Responsive to communication(s) filed on :	18 and 27 April 2006.				
2a)[☐	This action is FINAL . 2b)⊠	This action is non-final.				
3)[3) Since this application is in condition for allowance except for formal matters, prosecution as to the meri					
	closed in accordance with the practice und	der <i>Ex parte Quayle</i> , 1935 C.D). 11, 453 O.G. 213.			
Disposit	ion of Claims					
4)🛛	Claim(s) 1-41 is/are pending in the applica	ation.	•			
	4a) Of the above claim(s) 8-27 and 31-35 i		ation.			
5)	Claim(s) is/are allowed.					
6)[Claim(s) is/are rejected.					
7)	Claim(s) is/are objected to.		•			
8)	Claim(s) <u>1-2, 4-7, 28-30, and 36-41</u> are su	bject to restriction and/or elec	tion requirement.			
Applicat	ion Papers					
9)	The specification is objected to by the Exar	miner				
	The drawing(s) filed on is/are: a)		by the Examiner			
,—	Applicant may not request that any objection to					
	Replacement drawing sheet(s) including the co	_	•	121/d\		
11)	The oath or declaration is objected to by th					
	under 35 U.S.C. § 119					
	Acknowledgment is made of a claim for for	raign priority under 25 H.S.C. S	1110(a) (d) as (f)			
	☐ All b)☐ Some * c)☐ None of:	eigh phonty under 55 0.5.0. §	; 119(a)-(u) or (i).			
-,	1. Certified copies of the priority docum	nents have been received				
	2. Certified copies of the priority documents		polication No			
	3. Copies of the certified copies of the			20		
	application from the International Bu		received in this Hational Otal	JC .		
*	See the attached detailed Office action for a		received.			
Attach	atte)					
Attachmer	• •	л П	(DTC //A)			
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948	. 4) [_] Interview S Paper Nots	Summary (PTO-413) s)/Mail Date			
3) 🔲 Infor	mation Disclosure Statement(s) (PTO-1449 or PTO/SI	B/08) 5) 🔲 Notice of I	nformal Patent Application (PTO-152	()		
Pape	er No(s)/Mail Date	6) Other:	<u>_</u> .			

Art Unit: 2625

Response to Arguments

Applicant's arguments filed 18 April 2006, with respect to amended claims 1, 2, 4, and 28, and previously presented claim 30, have been fully considered and are persuasive. All rejections to these claims have been withdrawn.

Upon consideration of the IDS filed 27 April 2006, based on the Lack of Unity of Invention found in the European Search Report, and in view of the breadth and distinctions of claims 1, 2, 4-7, and 28-30, requiring further search, it has been determined that a further restriction requirement be imposed.

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

- A1) Claims 1, 5, 6, 28, 30, 39, and 40 measure display characteristics by measuring a displayed color patch when the color patch has been displayed for a predetermined time.
- A2) Claims 2, 7, 29, 36, and 37 measure display characteristics by displaying a predetermined image after measuring a displayed color patch and display a subsequent color patch when the predetermined image has been displayed for a predetermined time.
- A3) Claims 4 and 38 measure display characteristics by displaying a color patch a prescribed time after power to the display is switched on.

The species are independent or distinct because they include steps, which are mutually exclusive.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 41 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 8:00am-5:00pm. Application/Control Number: 10/028,264

Art Unit: 2625

2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Page 4

supervisor, Dave Moore can be reached at 571-272-7437.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official

correspondence by facsimile should be sent to 571-273-8300. The USPTO contact

Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SCOTT ROGERS RIMARY EXAMINER

23 June 2006